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09/445,133	03/13/2000	AHMET MURSIT ESKICIOGLU	RCA88674	9526

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EXAMINER

KLIMACH, PAULA W

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/445,133

Applicant(s)

ESKICIOGLU, AHMET MURSI

Examiner

Paula W Klimach

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
2. Claim 1-6, 8-9, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Vancelette (5,894,320).
3. In reference to claim 1, Vancelette discloses a method for managing access to a scrambled event of a service provider, said method comprising: (a) receiving in a device an electronic list of events, at least one event having an encrypted message associated therewith (column 5 lines 20-22); (b) receiving in said device, in response to user selection of said event, said encrypted message (Fig. 1 part 20 in combination with part 60); (c) decrypting said encrypted message to obtain a descrambling key (Fig 5), the descrambling key would be the mapping and the control message that are contained in the packetized data that is decrypted (column 6 lines 25-35); (d) receiving said selected event from the service provider (column 5 lines 20-22), said selected event being scrambled using said descrambling key (column 6 lines 25-35), where the descrambling key is the object code which provides the alternatives related to the audio and video capabilities (column 9 lines 15-22); (e) descrambling said selected event using said descrambling key (column 10 lines 21-24).

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4. In reference to claim 2, the steps of decrypting said message, receiving said selected event, and descrambling said selected event are performed in a smart card coupled to the device (column 9 lines 26-33). The message being encrypted using a public key associated with said smart card and said step of decrypting ~~uses a private key associated with and stored in said smart card, Vancelette suggests that this data is encrypted~~ on the smart card since in the downloadable form the data is encrypted with the other data (column 6 lines 57-65).

5. In reference to claim 3, said message further comprises event information, said event information being decrypted using said private key (column 9 lines 54-67 in combination with column 6 lines 56-64).

6. In reference to claim 4, the event information is stored where the step is performed in the smart card (column 9 line 26-30). The information is downloaded to the terminals memory, the smart card has memory also and is situated at the terminal and is therefore available memory for the storage of the downloaded information.

7. In reference to claim 5, the smart card has a card body having a plurality of terminals arranged on a surface of said card body in accordance with one of ISO 7816 and PCMCIA card standards. It is inherent that the card body has terminals on its body for connection to the card reader for accessing the memory of the card.

8. In reference to claim 6, authenticating said list of events to verify the origin of said message. The events in the list are authenticated by the virtue of the list being encrypted by the service provider. The terminal then decrypts the packets with the corresponding key. This implies that only those with the key that corresponds the key of the service provider can decrypt the list and therefore the information comes from the service provider (column 9 lines 4-6).

9. In reference to claim 8, event information comprises channel identification data, event identity data, date and time stamp data, and billing data (column 2 lines 59-65).

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10. In reference to claim 9, The method of Claim 3 further comprising the step of storing said event information, wherein said step of storing said event information is performed in said device (column 9 lines 27-30).

11. In reference to claim 13 and 14, said event information is used within said device to update said user's account information (column 2 lines 59-65).

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***Claim Rejections - 35 USC § 103***

12. Claim 7, 10-12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancelette as applied to claim 6 above, and further in view of Pinder et al (6,105,134).

13. In reference to claims 7, Vancelette does not expressly disclose the use of digital signatures.

Pinder discloses the use of the private key used for digital signatures (column 5 lines 33-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the private key for a digital signature created using a private key as in Pinder in the system of Vancelette. One of ordinary skill in the art would have been motivated to do this because the digital signature operations provide authentication (Pinder column 5 lines 34-35).

14. In reference to claim 10, digital signature, said second public key and said second private key are issued by an independent certificate authority and are associated with said list provider (Pinder column 10 lines 16-20).

15. In reference to claim 11, said device is a digital television. The device suggested by Vancelette is a display device, 80, a digital television is a display device and is therefore the device suggested by Vancelette.

16. In reference to claim 12, said device is a set-top box (column 6 lines 43-45).

17. In reference to claims 15 and 18, a method for managing access between a device having a smart card coupled thereto and a service provider, said device performing the steps of:

(a) receiving an electronic program guide from a guide provider, said guide having a message (Fig. 1)

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(b) selecting an event from said guide (column 5 lines 20-22);

(c) receiving said encrypted message (Fig. 1 part 20 in combination with part 60) corresponding to the selected event (column 11 lines 40-45);

(d) authenticating said guide provider (column 6 lines 56-64)

(e) passing said message to said smart card (column 9 lines 26-33)

(f) decrypting, in said smart card, said message using a private key of said smart card to obtain event

information and a symmetric key, said smart card private key being stored within said smart card, the private key would inherently be in the smart card to decode the message in the smart card;

(g) storing said event information in said smart card and updating account information based on said event information, since the smart card is memory and is in the vicinity of the terminal it may be used to store the data (column 9 lines 27-28);

(h) receiving from the service provider said selected event, said selected event being scrambled using said symmetric key (column 6 lines 25-35), where the scrambling key is the object code which provides the alternatives related to the audio and video capabilities (column 9 lines 15-22); and descrambling, in said smart card, said selected event using said symmetric key to generate a descrambled event (column 9 lines 26-33).

Vancelette does not expressly disclose the use of digital signatures.

Pinder discloses the use of the private key used for digital signatures (column 5 lines 33-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the private key for a digital signature created using a private key as in Pinder in the system of Vancelette. One of ordinary skill in the art would have been motivated to do this because the digital signature operations provide authentication (Pinder column 5 lines 34-35).

18. In reference to claims 16 and 19, the device is a set-top box (column 6 lines 43-45).

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19. In reference to claims 17 and 20, the device is a digital television. The device suggested by Vancelette is a display device, 80, a digital television is a display device and is therefore the device suggested by Vancelette.

*Conclusion*

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vancelette	5,894,320
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Pinder et al	6,105,134
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421. The examiner can normally be reached on Mon to Fri 7:15 a.m to 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4832.

PWK

  
AYAZ SHEIKH  
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